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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-----------------------------------|----------------------|---------------------|------------------|
| 10/772,775 | 02/05/2004 | David Thompson | VALC-237US | 2361 |
| | 7590 10/29/200 ON & EVANS, LLP | EXAMINER | | |
| 2700 CAREW 7 | ΓOWER | ANTONIENKO, DEBRA L | | |
| 441 VINE STREET CINCINNATI, OH 45202 | | | ART UNIT | PAPER NUMBER |
| | | | 3689 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) | | | | |
|--|---|--|--|--|--|--|
| | 10/772,775 | THOMPSON, DAVID | | | | |
| Office Action Summary | Examiner | Art Unit | | | | |
| | DEBRA ANTONIENKO | 3689 | | | | |
| The MAILING DATE of this communication app | ears on the cover sheet with the c | orrespondence address | | | | |
| Period for Reply | | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). | ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE | N. nely filed the mailing date of this communication. D (35 U.S.C. § 133). | | | | |
| Status | | | | | | |
| 1)⊠ Responsive to communication(s) filed on <u>23 Ju</u> | ine 2008. | | | | | |
| | action is non-final. | | | | | |
| 3) Since this application is in condition for allowar | | | | | | |
| closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | | | | | |
| Disposition of Claims | | | | | | |
| 4)⊠ Claim(s) <u>1-26</u> is/are pending in the application. | | | | | | |
| 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | | |
| 5) Claim(s) is/are allowed. | | | | | | |
| 6)⊠ Claim(s) <u>1-26</u> is/are rejected. | | | | | | |
| 7) Claim(s) is/are objected to. | | | | | | |
| 8) Claim(s) are subject to restriction and/or | r election requirement. | | | | | |
| Application Papers | | | | | | |
| 9) The specification is objected to by the Examine | r. | | | | | |
| 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. | | | | | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | | | | | |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). | | | | | | |
| 11)☐ The oath or declaration is objected to by the Ex | aminer. Note the attached Office | Action or form PTO-152. | | | | |
| Priority under 35 U.S.C. § 119 | | | | | | |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). | | | | | | |
| a) ☐ All b) ☐ Some * c) ☐ None of: | | | | | | |
| 1. Certified copies of the priority documents have been received. | | | | | | |
| 2. Certified copies of the priority documents have been received in Application No | | | | | | |
| 3. Copies of the certified copies of the priority documents have been received in this National Stage | | | | | | |
| application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. | | | | | | |
| See the attached detailed Office action for a list | or the certified copies flot receive | u. | | | | |
| AMochanous (a) | | | | | | |
| Attachment(s) 1) \(\sum \) Notice of References Cited (PTO-892) | 4) Interview Summary | (PTO-413) | | | | |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Da | ate | | | | |
| Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date | 5) Notice of Informal P 6) Other: | atent Application | | | | |
| | | | | | | |

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DETAILED ACTION

The following is a Non-Final Office Action in response to communications received June 23, 2008, wherein:

Claims 1, 7, 9, and 20-24 have been amended;

Claims 27-29 have been cancelled; and

Claims 1-26 are pending.

Response to Amendment

- 1. Objections to Claims 7 and 23 for being substantial duplicates are withdrawn.
- 2. Applicant's amendments to Claims 1, 7, and 23 regarding the phrase "consisting essentially" are sufficient to overcome the 35 U.S.C. 112, second paragraph rejection set forth in the Office Action dated March 25, 2008.
- 3. Applicant's amendments to Claims 1, 7, 9, 23, and 24 regarding the phrase "compatible" are sufficient to overcome the 35 U.S.C. 112, second paragraph rejection set forth in the Office Action dated March 25, 2008.
- 4. Applicant's amendment to Claims 20-22 regarding the phrase "particularly likely" do not overcome the 35 U.S.C. 112, second paragraph rejection set forth in the Office Action dated March 25, 2008. See below.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the term "may" renders the limitations vague and indefinite.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 17, 20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitmore, Andy; The Corporate Report (Kansas City, MO, US), v15, n6, s1 p46, June 1989: "Downtown Revival." (hereinafter referred to as Whitmore).

Regarding Claim 17:

Whitmore teaches a method of displaying furniture and accessories for retail sale comprising:

arranging a retail furniture display with furniture groupings decorated and positioned to identify customers of different lifestyles by attracting those customers on the basis of the corresponding lifestyle to different areas of a store (¶¶21-22); and

arranging furniture accessories and other non-furniture products in the store for display by locating products among the different areas in accordance with the marketability of such products to the customers so attracted to the respective areas (¶21-22).

Regarding Claim 20:

Whitmore teaches the limitations of Claim 17 as described above.

Whitmore further teaches determining the furniture accessories and other non-furniture products that may be marketable to the customers so attracted to the respective areas of the store (¶¶21-22); and

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arranging the furniture accessories and other non-furniture products in the store for display by locating products among the different areas in accordance with the determination (¶21-22).

Regarding Claim 22:

Whitmore teaches the limitations of Claim 20 as described above.

Whitmore further teaches the determining includes selecting one or more persons skilled in an art selected from the group consisting of design, decorating, marketing, and merchandising, and having such person or persons make, based on their knowledge, experience or skill, the determination of what furniture accessories and other non-furniture products may be marketable to the customers so attracted to the respective areas of the store (¶21-22).

Claim Rejections - 35 USC § 103

- 16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 17. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitmore in view of *Kelly, Mary Ellen; Discount Store News, v28, n19, pH11(2), October 16, 1989: "A Surprisingly New Style for Sears."* (hereinafter referred to as Kelly).

Regarding Claim 18:

Whitmore teaches the limitations of Claim 17 as described above.

Whitmore does not explicitly disclose so attracting the customers by decorating and furnishing said area of the store such that it is visible from a location remote from said area.

However, Kelly discloses so attracting the customers by decorating and furnishing said area of the store such that it is visible from a location remote from said area (¶16). It would have been obvious to one of ordinary skill in the art at the time of the invention to have displays visible from remote locations in order to attract customers to look at the displays.

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Regarding Claim 19:

Whitmore teaches the limitations of Claim 17 as described above.

Whitmore does not explicitly disclose so attracting the customers by decorating and furnishing said area of the store such that it is visible from an aisle in the store from a location remote from said area.

However, Kelly discloses so attracting the customers by decorating and furnishing said area of the store such that it is visible from an aisle in the store from a location remote from said area (¶16). It would have been obvious to one of ordinary skill in the art at the time of the invention to have displays visible from remote locations in order to attract customers to look at the displays.

18. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitmore in view of Bonk, Eugene T.; Journal of Small Business Management, v34, n1, pp71-77, January 1986: "The information revolution and its impact on SME strategy." (hereinafter referred to as Bonk).

Regarding Claim 21:

Whitmore teaches the limitations of Claim 20 as described above.

Whitmore does not explicitly disclose the determining includes employing computerized marketing data correlation techniques to identify what furniture accessories and other non-furniture products may be marketable to the customers so attracted to the respective areas of the store.

However, Bonk discloses the determining includes employing computerized marketing data correlation techniques to identify what furniture accessories and other non-furniture products may be marketable to the customers so attracted to the respective areas of the store (¶10). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ computerized marketing data in order to maximize the marketing efforts.

19. Claims 1, 7, 8, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of *Broderick*, *J. Raymond*; *Geyer's Office Dealer*, *v154*, *n11*, *p64*(2), *November 1989: "It doesn't come cheap, so use retail space wisely."* (hereinafter referred to as Broderick) and further in view of Official Notice.

Regarding Claims 1, 7, and 23:

Kelly discloses a store for displaying home furnishings and decorative accessories for sale comprising: a store enclosure (¶5);

a display area within the store enclosure which includes a plurality of pods, each of the pods containing home furnishings and decorative accessories available for sale, the home furnishings and decorative accessories of the different pods being identifiable, respectively, with different ones of a plurality of different lifestyles, the home furnishings and decorative accessories of each respective pod including home furnishings and decorative accessories comprising at least one of furniture, wall coverings, floor coverings, window coverings, electronics, lighting fixtures, sculpture, mirrors or pictures (¶¶14-19); ...

the plurality of pods being visually and physically separated from each other by components comprising at least one of aisles, lighting, floor finish, floor color, floor covering, floor elevation, signage or walls (¶14).

Kelly does not explicitly disclose a checkout location within the store enclosure;

an array of intersecting aisles within the display area and providing pedestrian access to, from and among each of the pods and the checkout location, the array including aisles terminating in groupings of furniture compatible with the lifestyles of pods adjacent thereto;

an entry space communicating and providing pedestrian passage between the outside of the enclosure and the array of aisles of the display area.

However, Broderick does disclose a checkout location within the store enclosure; ...

an array of intersecting aisles within the display area and providing pedestrian access to, from and among each of the pods and the checkout location, the array including aisles terminating in groupings of furniture associated with the lifestyles of pods adjacent thereto (¶¶3-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a checkout location within the store as well as pedestrian access to the checkout location in order to allow customers to pay for their purchases.

Furthermore, Official Notice is taken that an entry space communicating and providing pedestrian passage between the outside of the enclosure and the array of aisles of the display area would have been included. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an entry space into the store enclosure in order to allow customers to enter the establishment to look at the merchandise.

Regarding Claim 8: See Claim 1.

20. Claims 2, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Broderick in view of Official Notice and further in view of *Garet*, *Barbara; Wood & Wood Products, v98, n5, p39(3), April 1993: Taking the mystery out of furniture manufacturing."* (hereinafter referred to as Garet) and *Gilbert, Les; HFD-The Weekly Home Furnishings Newspaper, v63, n37, p8(3), September 11, 1989:*

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"Merchandising By Video: interactive electronic kiosks: the wave of the future?"

(hereinafter referred to as Gilbert).

Regarding Claim 2:

Garet discloses the entry space includes a first informational display diagrammatically depicting a process of manufacturing furniture from material acquisition through the finishing of furniture products (¶5). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate informational materials into the store in order to educate the customers.

Gilbert discloses a second informational display depicting the facts relating to a retail entity associated with the store (¶¶2-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate other informational displays into the store in order to help customers make their purchasing decision.

Regarding Claim 11:

Official Notice is taken that an entry space communicating and providing passage between the outside of the enclosure and the array of aisles of the display area would have been included. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an entry space into the store enclosure in order to allow customers to enter the establishment to look at the merchandise.

Gilbert discloses one or more informational displays relating to the manufacture of products (¶¶2-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate informational displays into the store in order to help customers make their purchasing decision.

Regarding Claim 12:

Official Notice is taken that an entry space communicating and providing passage between the outside of the enclosure and the array of aisles of the display area would have been included. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an entry space into the store enclosure in order to allow customers to enter the establishment to look at the merchandise.

Garet discloses the entry space including a first informational display diagrammatically depicting a process of manufacturing furniture from material acquisition through the finishing of furniture products (¶5). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate informational materials into the store in order to educate the customers.

Gilbert discloses a second informational display depicting the facts relating to a retail entity associated with the store (¶¶2-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate other informational displays into the store in order to help customers make their purchasing decision.

21. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kelly in view of Broderick in view of Official Notice and further in view of Szymanski,

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Jim; The News Tribune, pD1, May 3, 2000: "Selden's to open midprice outlet." (hereinafter referred to as Szymanski).

Regarding Claims 3 and 13:

Szymanski discloses a design center location within the store enclosure; the array of intersecting aisles providing pedestrian access to, from and among each of the pods and the design center location (¶10). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a design center into the store as well as for the customers to have access to it in order to help customers make their purchasing decision.

22. Claims 4, 5, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Broderick in view of Official Notice and further in view of *Palmer, Kelly; Springfield Business Journal (Springfield, MO, US), v11, n16, s1, p1, November 5, 1990: "Mulhollan to Open Second Store, Expand Product Line."* (hereinafter referred to as Palmer).

Regarding Claims 4 and 14:

Palmer discloses an office area within the store enclosure; the array of intersecting aisles providing pedestrian access to, from and among each of the pods and the office area (¶5). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an office area into the store as well as for the customers to have access to it in order to help customers decide any financial obligations.

Regarding Claims 5 and 15: See Claims 3 and 4, and 13 and 14, respectively.

23. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Broderick in view of Official Notice and further in view of Engel, Clint; Furniture Today, p6, August 24, 1998: "Ikea's big Chicago store to feature three homes." (hereinafter referred to as Engel).

Regarding Claims 6 and 16:

Engel discloses at least one of the pods includes wall partitions internal to the pods dividing the pods physically and visually into a plurality of rooms (¶1). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate pods within pods or in other words rooms within rooms just like a real house in order to help customers make their purchasing decision.

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24. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Broderick in view of Official Notice and further in view of Herlihy, Janet; HFN, The Weekly Newspaper for the Home Furnishing Network, p28(1), October 26, 1998: "Rugs Gain Ground at Ikea." (hereinafter referred to as Herlihy).

Regarding Claim 9:

Herlihy discloses groupings of furniture associated with the lifestyles of pods adjacent thereto (¶13). It would have been obvious to one of ordinary skill in the art at the time of the invention to take into consideration neighboring displays in order to present the merchandise in a pleasing fashion.

Kelly further discloses the array including aisles terminating in the groupings (¶16).

Regarding Claim 10:

Kelly further discloses at least some of the groupings of furniture are visible for the length of the aisle that terminates in the respective grouping such that characteristics of a lifestyle can be perceived by a customer throughout the length of the aisle (¶16).

25. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly, Mary Ellen; Discount Store News, v28, n19, pH11(2), October 16, 1989: "A Surprisingly New Style for Sears." (hereinafter referred to as Kelly) in view of Broderick, J. Raymond; Geyer's Office Dealer, v154, n11, p64(2), November 1989: "It doesn't come cheap, so use retail space wisely." (hereinafter referred to as Broderick).

Regarding Claim 24:

Kelly discloses a retail furniture store comprising: a plurality of pods, each pod corresponding to a furnished room decorated according to a respective lifestyle (¶14-15); ...

a corresponding furniture display located adjacent each set of related pods, each corresponding furniture display having a design associated with the corresponding set of related pods (¶14-15).

Kelly does not explicitly disclose a plurality of aisles segmenting the plurality of pods into a plurality of sets of one or more related pods.

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However, Broderick does disclose a plurality of aisles segmenting the plurality of pods into a plurality of sets of one or more related pods (¶3). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate aisles among the displays in order for customers to be able to easily move from one display to another.

Regarding Claim 25:

Kelly and Broderick teach the limitations of Claim 24 as described above.

Broderick further teaches each corresponding furniture display is located at an end of one of the aisles (¶3). It would have been obvious to one of ordinary skill in the art at the time of the invention to have corresponding displays at the endcaps of aisles in order to attract customers to the particular aisle.

Regarding Claim 26:

Kelly and Broderick teach the limitations of Claim 24 as described above.

Broderick further teaches a checkout location (¶4). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a checkout location within the store in order to allow customers to pay for their purchases.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

26. Applicant's arguments filed June 23, 2008 have been fully considered but they are not persuasive.

Regarding Claims 17, 20, and 22:

Applicant argues that Whitmore fails to disclose "attracting those customers on the basis of the corresponding lifestyle to different areas of a store." Examiner respectfully disagrees. Whitmore teaches the "gallery" approach to furniture display, which

means...as it would be grouped in someone's home...including accessories (¶21-22). A grouping of furniture and accessories as it would be in a home is showing a lifestyle.

Applicant further argues that Whitmore does not disclose determining "what furniture accessories and other non-furniture products may be marketable to the customers so attracted to the respective areas of the store. Whitmore teaches grouping furniture and accessories together to help customers visualize how one piece or a number of pieces might look at home (¶21-22). Helping a customer to visualize is determining what may be marketable.

Therefore, Examiner maintains that Whitmore does teach and suggest either explicitly or implicitly the claimed limitations.

Regarding Claims 18, 19, and 21:

In response to Applicant's argument that the references of Kelly and Bonk fail to show arranging furniture in different areas of a store according to a particular lifestyle and attracting customers on the basis of that lifestyle to the different areas of the store, it is noted that these features upon which applicant relies are not recited in the rejected claims.

Furthermore, applicant argues that Bonk does not disclose "employing computerized marketing data correlation techniques to identify what furniture accessories and other

non-furniture products may be marketable to the customers." Bonk teaches building a virtual product...supported by an information network that gathers data on markets, customer needs, newest design and production methods..." (¶10-11). Bonk uses an information network to gather data from different sources to identify products that may be marketable to customers.

Therefore, Examiner maintains that Kelly and Bonk do teach and suggest either explicitly or implicitly the claimed limitations.

Regarding Claims 1, 7, 8, and 23:

Applicant argues that Broderick does not disclose a store with an array of aisles to, from and among each of the pods. Broderick teaches establishing a flow of customer traffic with well defined aisles and cross aisles (¶3). Examiner asserts that cross aisles are intersecting aisles.

Therefore, Examiner maintains that Broderick does teach and suggest either explicitly or implicitly the claimed limitations.

Regarding Claim 2:

Applicant argues that *Garet does not disclose the use of such media in a retail store.*Garet teaches a dynamic combination of machinery, photomurals and hands-on exhibits tracks the processes and crafts involved in manufacturing a Queen Anne highboy and

an upholstered love seat. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate informational materials into the store in order to educate the customers.

Applicant argues that Gilbert does not disclose the use of an information display depicting facts relating to a retail entity associated with the store. Gilbert teaches instore kiosks that provide product information (¶3).

Therefore, Examiner maintains that Garet and Gilbert do teach and suggest either explicitly or implicitly the claimed limitations.

Regarding Claims 3 and 13:

In response to Applicant's argument that *Szymanski does not disclose an array of aisles* providing access to, from and among each of the pods and a design center location within a store, Szymanski teaches the store's display will encircle a design center (¶9-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a design center into the store as well as for the customers to have access to it in order to help customers make their purchasing decision.

Therefore, Examiner maintains that Szymanski does teach and suggest either explicitly or implicitly the claimed limitations.

Regarding Claims 4, 5, 14, and 15:

Applicant argues that *Palmer does not disclose an office area and an array of intersecting aisles providing pedestrian access to, from and among each of the pods and the office area.* Palmer teaches a furniture store with an office (¶5). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an office area into the store as well as for the customers to have access to it in order to help customers decide any financial obligations.

Therefore, Examiner maintains that Palmer does teach and suggest either explicitly or implicitly the claimed limitations.

Regarding Claims 6 and 16:

In response to Applicant's argument that the reference of Engel fails to disclose *pods of different lifestyles*, it is noted that this feature is recited in the parent Claims 1 and 7, respectively, which is rejected by Kelly.

Applicant further argues that Engel fails to disclose *partitions "internal to the pods dividing the pods physically and visually into a plurality of rooms."* Engel teaches that the store *will feature three full-home displays.* Examiner asserts that a full-home display would be divided physically and visually into a plurality of rooms.

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Therefore, Examiner maintains that Engel does teach and suggest either explicitly or

implicitly the claimed limitations.

Regarding Claims 24-27:

Applicant argues that Broderick does not disclose aisles that segment a plurality of pods

into a plurality of sets of one or more related pods. Broderick teaches establishing a

flow of customer traffic with well defined aisles and cross aisles (¶3). It would have

been obvious to one of ordinary skill in the art at the time of the invention to incorporate

aisles among the displays in order for customers to be able to easily move from one

display to another.

Therefore, Examiner maintains that Broderick does teach and suggest either explicitly

or implicitly the claimed limitations.

27. Regarding Claims 9-12:

Applicant's note that the rejections of Claims 9-12 are not based on combinations with

Garet or Gilbert is acknowledged. However, Claims 9 and 10 do not refer to Garet or

Gilbert so is correct as is. Claims 11 and 12 do refer to Garet or Gilbert and the

rejections have been corrected.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBRA ANTONIENKO whose telephone number is (571)270-3601. The examiner can normally be reached on Monday through Thursday, 7:30 AM to 4:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DA /Janice A. Mooneyham/ Supervisory Patent Examiner, Art Unit 3689 Application/Control Number: 10/772,775

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